



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, September 16, 2014
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Alicia Neubauer
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent: Aaron Magdziarz

Staff: Scott Capovilla – Zoning and Land Use Administrator
Todd Cagnoni – Director, Community & Economic Development Dept.
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Public Works
Lafakeria Vaughn – Assistant City Attorney
Officer Don Dulga – Rockford Police Department

Others: Alderman Franklin Beach
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 29th at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the August meeting as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote 4-0 with Aaron Magdziarz absent.

When Staff Reports were mailed to all Applicants, a letter was attached to each Report stating, in partial, the following:

"These items are still scheduled for the Liquor and Tobacco Advisory Board but it will be at the discretion of the Board as to whether or not they will actually hear the application at the September 16th meeting. However, if the Liquor and Tobacco Advisory Board chooses to hear these items, the applications will remain held out from the Codes & Regulations Committee agenda until such time as they decide if the City's liquor code will be amended."

Chairman Roszkowski reviewed this information for the Applicants prior to hearing any items on the agenda. The Board decided to concur with Staff Recommendation of Lay Over on several items.

014-LTAB-012

Applicant
Ward 04

6551 East Riverside Boulevard

Bar Scorchy, Inc. d/b/a Bar Scorchy

Sale of liquor by the drink with a tavern/bar in a C-2, Limited Commercial Zoning District

Laid Over from June, July and August meetings

Prior to the meeting the Applicant requested that this item be Laid Over to the October meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of liquor by the drink with a tavern/bar in the name of Bar Scorchy, Inc. d/b/a Bar Scorchy in a C-2, Limited Commercial Zoning District to the October 21st meeting. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

014-LTAB-017

Applicant
Ward 10

5456 East State Street

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

Laid Over from June, July and August Meetings

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in the name of Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc. in a C-2, Limited Commercial Zoning District at 5410 and 5456 East State Street to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-029

Applicant
Ward 07

4315 Auburn Street

Fadi Hamed d/b/a 4Less Inc.

Sale of packaged liquor in conjunction with a gas station and convenience store in a C-3, Commercial General Zoning District

Laid Over from August meeting

Fadi Hamed, Applicant, and Attorney Thomas Green were present. Attorney Green presented background information on the Applicant stating he currently has a liquor license in the City of Loves Park as well as three tobacco shop licenses. It is Attorney Green's statement that these businesses have operated with no problems. He explained the current owner of the subject property has let the property run down and it is need of maintenance. The Applicant is attempting to purchase the site and operate as a good neighbor for the surrounding properties. Liquor sales have been allowed at this property under the previous owner and Mr. Hamed would like to continue the sale of package liquor in his name. The Applicant and Attorney Green met with Mr. Capovilla from Staff and Legal Director Patrick Hayes. They also had a separate meeting with Alderman Ann Thompson-Kelly. No input from Alderman Thompson-Kelly was available.

Attorney Green stated Mr. Hamed would like the opportunity to upgrade the appearance and operation of the site. If the sale of packaged liquor is denied, the Applicant would not purchase the property. Attorney Green stated if this occurs, chances are that the property will remain in the condition as it is currently. He further stated the subject property is about 200 feet away from another gas station which was granted a liquor license approximately a year ago. Attorney Green felt that if Mr. Hamed is denied the same ability, this will make competition very difficult.

Angela Hammer stated there were 97 calls for service at this location and asked the Applicant what he would put in place to improve this situation. Mr. Hamed felt 90% of these calls were not related to the operation of the business. He felt only about 10 in the last two years were related to, or called in by, the current gas station. Mr. Hamed stated he would provide security if requested.

Mr. Sanders stated previous to this Application there was a granted Variation allowing landscaping to remain "as is", and at this point that landscaping has been allowed to run down and there is no landscaping currently. Mr. Hamed stated he knows this property needs improvement and he will be a better operator and neighbor than what has been in the past. He wants this business to be a model for other businesses in the area. He currently operates a gas station at Riverside and Alpine and stated he has never had any problems. He also has a store in Beloit with no problems.

Alicia Neubauer stated she understands what the Applicant is saying regarding upgrading the property, but the site plan he submitted does not show new fencing, landscaping, and other upgrades he spoke about this evening. Attorney Green stated the business model doesn't work unless they can keep the

source of income coming in from the sale of liquor. Mr. Hamed also pointed out that the gas station 200 feet away just recently received a liquor license in August of last year, whereas the business he is looking to purchase has had a liquor license for several years.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Roszkowski felt the submitted drawings were not sufficient or adequate enough for him to make a decision. He would like to see the improvements discussed written down. Mr. Sanders said he would be inclined to support this Application but the drawings do not suggest any discussed improvements. He is asking if Staff is willing to work on conditions of approval should the Board choose to approve. Mr. Roszkowski further stated he would like to see what the improvements would be to the building. Mr. Capovilla stated he was willing to work with the Applicant and his attorney to come up with conditions. Ms. Neubauer stated in an effort to move this application forward, she would suggest conditions that could be clarified by Staff.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the sale of package liquor in conjunction with a gas station and convenience store in the name of Fadi Hamed d/b/a 4Less Inc. in a C-3 Commercial General Zoning District at 4315 Auburn Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised landscaping plan to include sight-obscuring fence
4. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
5. That the windows shall not be covered with bars or other devices that block the window.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited
7. There shall be no sales of single servings of alcohol of 12 ounces or less.
8. Window display signage is limited to 35% of window area

014-LTAB-032

Applicant
Ward 09

3005 North Rockton Avenue

RKH Gas Corp. d/b/a RKH Gas Corp.

Sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in a C-2, Limited Commercial Zoning District
Laid Over from August meeting

Prior to the meeting, the Applicant requested that this item be Laid Over to the October meeting.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of packaged liquor and sale of tobacco products in conjunction with a gas station and convenience store in the name of RKH Gas Corp. d/b/a RKH Gas Corp. in a C-2 Limited Commercial Zoning District at 3005 North Rockton Avenue to the October 21st meeting. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

014-LTAB-035

Applicant
Ward 10

262 North Phelps Avenue

Mary Maggio d/b/a Sam's Slots Inc.

Sale of beer and wine by the drink in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of beer and wine by the drink in conjunction with a video gaming facility in the name of Mary Maggio d/b/a Sam's Slots Inc. in a C-3, General Commercial Zoning District at 262 North Phelps Avenue to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-036

Applicant
Ward 10

280 North Phelps Avenue

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

Sale of beer and wine by the drink in conjunction with an eatery and a video gaming facility in a C-3, General Commercial Zoning District

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of beer and wine by the drink in conjunction with an eatery and a video gaming facility in the name of Brandan T. Blackler d/b/a Maxswells Eatery & Slots in a C-3, General Commercial Zoning District to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-037

Applicant
Ward 07

2515 Kilburn Avenue

Carolyn Martinez for El Carrizal Inc. d/b/a Fuzzy's

Sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in a C-2, Limited Commercial Zoning District

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar, and video gaming facility with an outdoor beer garden in the name of Carolyn Martinez for El Carrizal Inc. d/b/a Fuzzy's in a C-2, Limited Commercial Zoning District at 2515 Kilburn Avenue to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-038

Applicant
Ward 10

3806 East State Street

Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming

Sale of beer and wine by the drink in conjunction with a video gaming facility and bar in a C-2, Limited Commercial Zoning District

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of beer and wine by the drink in conjunction with a video gaming facility and bar in the name of Dan A. Olson for Olson Enterprises LLC d/b/a Olson Gaming in a C-2, Limited Commercial Zoning District at 3806 East State Street to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-039

Applicant
Ward 01

7551 Walton Street

John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's

Sale of liquor by the drink in conjunction with a gaming facility and bar in a C-3, General Commercial Zoning District

The Board's decision was to Lay Over this item to the October 21st meeting per Staff's Recommendation.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the sale of liquor by the drink in conjunction with a gaming facility and bar in the name of John Hassett for Premier Entertainment of Illinois LLC d/b/a Pinky's in a C-3, General Commercial Zoning District at 7551 Walton Street to the October 21st meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-040

Applicant
Ward 14

4415 Harrison Avenue, Unit C

Harwinder Kaur for Double A Market Inc. d/b/a Southridge Market

Sale of packaged liquor in conjunction with a convenience store in a C-3, General Commercial Zoning District

Harwinder Kaur, Applicant, and Attorney Jim Rodriguez were present. Attorney Rodriguez reviewed the application. This property is Unit C within the Southridge Center, located north of Manchester Drive and south of Harrison Avenue. This tenant space is in the north side of the center. Attorney Rodriguez stated an Insurance office is directly adjacent to his client's unit. A site plan has been submitted. He further explained that the applicant will submit a separate application for tobacco in the future. Attorney Rodriguez stated the Applicant has had a similar establishment in North Town Mall for 4 years which is next to a bar. Sales is anticipated to be split between small grocery sales and alcohol sales. Attorney Rodriguez felt the neighborhood around the site would benefit from this type of sales. The proposed hours of operation are Monday through Thursday, 8:00 AM to Midnight; Friday and Saturday 8:00 AM to 2:00 AM, and Sunday 11:00 AM to Midnight.

Attorney Hammer verified that the percentage of grocery to liquor and tobacco would be about 50%.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Craig Sockwell, Alicia Neubauer and Scott Sanders felt this was not the correct location for this business.

A **MOTION** was made by Alicia Neubauer to **DENY** the sale of packaged liquor in conjunction with a convenience store in the name of Harwinder Kaur for Double A Market Inc., d/b/a Southridge Market in a C-3, General Commercial Zoning District at 4415 Harrison Avenue. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0.

014-LTAB-041

Applicant
Ward 10

111 North Alpine Road

Tawfig Alkaramla for Start Now Tobacco, Inc. d/b/a Start Now Tobacco Inc.

Sale of tobacco products in conjunction with a retail store and tobacco store in a C-3, General Commercial Zoning District

The Applicant requested this item be Laid Over to the October 21st meeting.

Staff Recommendation is for Denial.

A **MOTION** was made by Scott Sanders to **LAY OVER** the sale of tobacco products in conjunction with a retail store and tobacco store in the name of Tawfig Alkaramla for Start Now Tobacco Inc. d/b/a Start Now Tobacco Inc. in a C-3, General Commercial Zoning District at 111 North Alpine Road to the October 21st meeting. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

With no further business to come before the Board, the meeting was adjourned at 6:50 PM.

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board